





being -  
K736

7 U.S.A.

Brandeis University  
Library



*The Gift of*  
LOUIS NYE





The high and Mighty Monarch **CHARLES** by  
the grace of GOD King of Great Brittain  
France and Ireland Defendor of the  
Fayth etc.

KNOWN  
LAWES.

A  
SHORT  
EXAMINATION

OF THE  
Counsell and Actions  
of Those that have withdrawne the

KING  
FROM  
THE GOVERNEMENT  
and PROTECTION of His People.

LONDON,

Printed in the Yeare, 1643.

RENEWED  
JAN 2

EXAMINATION

Consolidated

KLING

THE GOVERNMENT

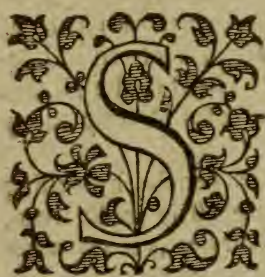
and Provision of the People  
to you  
Printed by the Young





# KNOWNE LAWES.

## A short EXAMINATION of the Counsels and Actions, &c.



Such as indeavour to put a faire  
Glosse upon their illegall Actions,  
and to asperse the lawfull procee-  
dings of the Parliament, among  
other Engines forged in Hell, have  
invented and used a new name for  
our Lawes, calling them *Knowne  
Lawes*, to amuse and abuse the sim-  
ple with new Epithets and ambi-  
guous words, whereby they seem to insinuate, either that  
our Lawes in every particular in question is knowne to e-  
very one that reades their Pamphlets, or that, what is not  
known to their Readers, and acknowledged by themselves,  
is not nor can be Law, or that they and every of their Rea-  
ders, know the Law better then the Parliament.

This I am sure is a knowne truth, *That the principles of  
Arts and Sciences are knowne only to those that by great  
industry and study search after them*<sup>a</sup>: And then certainly  
the arts and sciences themselves, and the severall conclusi-  
ons deducible from those principles, by discourse and argu-  
mentation (which are but virtually<sup>b</sup> contained in the  
principles) are much more removed from common know-  
ledge and understandings. If our Lawes be knowne by

A 2

the

<sup>a</sup> Nemo nasci-  
tur artifex.

<sup>b</sup> *Tota scientia  
virtute conti-  
netur in princi-  
pijs.*

the people to whom these deceivers speak of *knowne Lawes*, or by themselves better then by the Parliament, how comes it to passe that men take such paines, and are at so much cost for advise and information, What is Law in their particular cases and occasions? and when they have procured from learned Lawyers as good advise as they can for their money, and it descends to Arguments upon demurrer or speciall verdict, the Law falls out to be otherwise then they were before informed, and that when judgement is given one way in one Courton mature deliberation, upon a Writ of Errour brought, it is adjudged another way upon further debate and consideration in another Court, and when it hath passed through the disquisition and sifting of all, and obtained the judgement of most of the Judges of his Majesties ordinary Courts of justice at *Westminster*, the contrary is finally settled, declared and determined to be Law by the most high Court<sup>e</sup>, the Houses of Parliament, as it hapned in the late cases of Ship-mony and Impositions.

They that pretend they disabuse the people, by telling them of *knowne Lawes*, doe in truth grossely abuse them, and in abominable hypocrisic angle their hearts to no other end, but that having caught them they may tyrannize over them and devoure them.

It is knowne and agreed by all the learned in the Laws of this Land, *That the Lawes are the bounds of the Kings power and command<sup>a</sup>*; and of the Subjects Allegiance and Obedience in their Oathes and Protestation intended. So as if the King command or doe any thing which the Law approves not, it is void and null in Law, and he that executes such command to the prejudice of any Subject, is so farre from being obedient or in any respect commendable, as he is an offender and punishable; and his alleadging the Kings command in his excuse, is an aggravation of his sinne, in that he thereby endeavours to cast dirt in the face of his Sovereigne to blemish his honour and make him vile in the eyes of his Subjects, yea more vile then him-

<sup>a</sup>So called *Dor.*  
& *Stud* 44.2.

36.H.8. *dier.*

59.p.21. 19 H.

6.63.2. 31.H.

6.18.2 and 31.

H.8. *cap.* 10.

The House of Lords is so stilled by the judgement of King and Parliament.

<sup>a</sup>*Lex frenum est regis potentia.*

*Brañon.* l. 3.

*de assigñ.* cap. 9. *sect.* 3.

The King cannot govern his people by any other power then the Law.

*Forfe.* de leg. 3.2.2.

*Potesť as sua juris est non injuria.* *Brañon.* ubi

*supra* *Cok* rep 11

74.b



himself, as sinne and wickedness is more abhominable and hatefull in the cause, fountaine and commander of it <sup>b</sup>. Hence are those common knowne maximes of the Law, *The King cannot doe any wrong* <sup>c</sup>: *He cannot doe any thing which hee may not doe by the Law* <sup>d</sup>: *The Law bindes the King and is his Superiour* <sup>e</sup>. Therefore it is called the Law of England, because it extends to bind both King and people of England. *Cok. 2<sup>l</sup>. Institutes 51.* And the Kings Oath binds him expressly to keepe and observe the *Lawes of the Kingdome* <sup>f</sup>. And the reason of the Lawes Supremacy, is, because the Lawes are made by a higher and more supreme power then the King, even by an absolute power vested (not in the King) but in the Kingdome, concurring and represented in the three Estates thereof, *King, Lords and Commons* in Parliament, and the King considered as distinct from the other two Estates is by them created to see the Lawes to be executed; and justice done to all men, and made and ordained for the defence of the Lawes, and his Subjects, and their goods, and for this end he hath received power from his people <sup>g</sup>: And therefore all pretences and claime of right by the King, and all offences against him, and all offences done by colour of his command are questioned and determined by Law in Courts of Justice. And in these things our Law is agreeable unto, and grounded upon the Law of God, which sets the King his bounds, and injoynes that the King should have a booke of the Law, and should reade and meditate on it, and observe to doe it, and not turne aside from it, as the onely way to establish him and his Posterity, and make his way prosperous, *Deut. 17. 18, 19. Josh. 1. 8.* And if he breake his bounds (which he doth alwayes, when he breakes the Law of his government, whether made by God immediately, or by States and Kingdomes (where he rules) by divine providence) God will poure out his wrath upon him like water, and if his Subjects willingly yeeld unto him in such his wicked courses, and obey his illegall commands, God will be unto them as the *Morb*, and as *roissennes*, *Hos. 5. 10, 11, 12.*

<sup>b</sup> Plus peccat  
auctor quam  
actor  
<sup>c</sup> Cok. re. 11. 72.  
<sup>d</sup> 2 Rep. 1. 44. b  
1 E 58 p 13.  
<sup>e</sup> Rex nihil po-  
test, nisi id sibi  
quod de jure co-  
test. Brañon u-  
bi supra, Cok.  
rep 9. 123 a. &  
rep. 11. 4. b.  
<sup>f</sup> Rex habet su-  
perioiorem Deum  
scilicet & le-  
gem per quam  
factus est Rex.  
Brañon; l. 2. c 16.  
Sect. 3. Hoc  
saxit lex huma-  
na quod leges  
suum ligent la-  
torem. Brañon. l.  
3. de actionibus  
cas 9 Sect. 3.  
<sup>g</sup> Tenere leges  
& consuetudi-  
nes regni.  
<sup>h</sup> Brañon l. 3.  
de act. c 9. sect.  
3 Fortescue  
de legibus 3 2. a.  
Cok re. 7. Cal-  
vins c 5. 2.

And for inabling the King to his office and trust reposed in him by the Kingdome, he is by the Law invested with a judiciall power to judge and determine in all things happening in his Kingdome, not in person, his person being by the Law presumed ignorant of it<sup>a</sup>; but by his Courts, of which the Parliament is supream<sup>b</sup>, in which are learned Judges, and men educated in the studies, and greatly experienced in the practise of the Laws and government of the Kingdom.

And as to ministeriall offices and acts of Ministry in the Law they are so below the Majesty with which the royall Person of the King is by Law cloathed and adorned, as the Law, will not admit such an *indecorum*, as to allow of any such thing done by him, specially if any Subject receive prejudice by it; and therefore he cannot turn informer or accuser of Treason or other crime, he cannot arrest or command in person any arrest, but all such things done by him are judged void and of no effect in Law<sup>c</sup>; and the reason is very evident, for the Subject upon such accusation, arrest, &c. if unjust, can have no remedy against the Kings Person: and so there should be a wrong done, and no Law to right the oppressed, and punish the wrong-doer.

This being the true state of the Laws of God and of the kingdom, concerning the King in these things, How greatly doe they wrong the King, and abuse the Subjects, that talke of a Prerogative or power in the King, either above the Law, or not declared and allowed by the Law, that call for conscience to obey the Kings commands, not warranted by Law, when conscience (which is the knowledge of things, as God knows and acknowledges them<sup>d</sup>) binds us to reject and abhorre them, and not to obey them, least the curse of the Moth and rottenesse seise upon us. How will they answer before God or man, that counsell, advise and put the King to take up Armes against his highest Court of Justice, and to protect Delinquents from Justice, which is to set the Kings Person by an unlawfull force to indeavour to suppress and over-throw his kingly lawfull

<sup>a</sup> Cok. re. 153. a.  
<sup>b</sup> 8 H. 4. 13 b.  
 Cok. 1d. Instit.  
 103. 24. H. 8.  
 cap. 12.

<sup>c</sup> 16. H. 6. Mon.  
 strans del faits.  
 Fitz. 182. 1 H.  
 7. 4. p. 3.

<sup>d</sup> *conscientia  
 est scientia cum  
 Deo.*



power and authority, not any where so illustrious and eminent as in his Parliament. And to make the King a terror to the good, and a shelter to the wicked, who by Gods ordinance is *A minister for good to give praise to them that do well, and protect them, and to execute wrath upon them that do evil, Rom. 13. 3. 4.* Is it not a maxime of the Common-law, *That it is not lawfull for any, King or Subject, to disturbe or hinder the execution of the proces of the Law and Courts of Justice*? And is not the Kings command, though under the great Seale, and his endeavour to deny or delay justice against the Law and his Oath? And if any resist the executing of the proces of any of the Courts of justice upon Delinquents, or otherwise, may not the minister of justice command and gather force of men and arms, and take, yea kill and destroy the resisters, if otherwise he cannot execute the same? And is not every man bound to assist the ministers of the Courts of justice herein? And is not the reason hereof obvious to every man, namely, because Execution is the life of the Law, which without it becomes vain and uselesse? Are not these known to the meanest Student of the Law? And is not this the case between the King and the Parliament? Surely, if the forces of the Parliament be Traitors, the *knowne Lawes* of this Land are the Patrons and Commanders of Treason, which no sensible brain, if not full and running over with malice, could ever have dream'd of or imagined. How can we expect that justice shall ever be done in this Realme, if wicked Counsellors shall prevail by force and violence in the Kings name to hinder and resist the Execution and life thereof when they please? If they shall by such unlawfull wicked courses over-powre the supream Court, how easily will they enervate and cut the sinews of inferior Courts, and governe by unlawfull force, not by Law; and what security can protestations give of governing by Law, when practise and actions have ordinarily before the Parliament, and now in the face of the Parliament, and in despite of it, do run clean contrary therunto, even in the very instant

e Rex vicarius  
Detest dum facit  
justitiam,  
minister autem  
Diaboli dum  
declinet ad injuriam  
Braft.  
13 de ass. c. 9.  
sect 3.  
8 E. 2. Fitz.  
Execution 252  
Cok. rep 5 Semaynes  
case 97.  
b. Cok. 2d.  
Instit. 194.  
8 Mag. Chart. c.  
29. 2 E 3 c. 8.  
14 E. 3 c. 14,  
8 H. 4. 19 p 4  
19. E. 2 Fitz  
Execution 247  
Braft. 442 Sec.  
7. 3 H. 7. 10. p.  
4. Cok. 2d. In-  
stitutes 193. 6.  
rep 5. 93. b. Semayns  
case. 3. H  
7. 1 p. 1. 5. H. 7.  
4. p. 10.



of making those protestations. What colour of Law is there for the King to kill and plunder, spoyle and destroy his Subjects without proces of Law (against *Magna Charta* c. 29) whom he is bound by Oath and Office to protect? Are those that have seduced the King from his Parliament and people carefull, according to their Protestation, *to maintain the Kings honour*, When they put him upon such base, illegall, uncomely employments, to become an Informer, an Accuser of Treason, &c. and upon such a multitude of unlawfull commands and actions, destructive to his Kingdom and people, and take all the possible courses that hell can invent to render him vile in the eyes of men? Do these men take the way to establish the King and his Posterity, or to provoke God to poure out his wrath upon them, and make their ways unprosperous? How irrationall is it that the King should declare Law, when assuming it in his Grants<sup>i</sup>, Commissions<sup>k</sup> and Proclamations under the great Seal, he is commonly judged, even in his ordinary Courts of justice to be deceived, abused and misinformed, and his Grants, &c. therupon judged void and damned? What credit can be given to protestations of maintaining Religion and the Subjects liberty, when before, at and since the making of them, the Subjects that have executed only legall commands, or refused illegall, are used more barbarously then the *Turkes* do their slaves, without any spark of common humanity, and while they be the principall objects and subjects of the malice and cruelty of the Kings Army and their Counsellours and abettours, that have any more then common care of a conscientious practise of Religion, and of walking by the rules of it. Consider what I say, and the Lord give us understanding.

18. H. 8. Br.  
pat. 104. Cok.  
rep. 14. b  
42. ass. 5. &  
12. 24 E 3 Br.  
Commissions  
3 Commission  
to take any  
Subject or his  
goods without  
due proces of  
Law judged  
void.

FINIS.





